RSA No. 254 of 1996

1.11.2007 Present: Mr. Ashok Chaudhary, Addl. Advocate General for the appellant/State.

Mr. G.D.Verma, Sr.Advocate with Mr. B.C.Verma, counsel for the respondent.

Shri G.D.Verma, learned senior counsel appearing for the respondent as submitted that while passing the impugned judgement the Ist appellate Court has held that application for the grant of Nautor land was examined and scrutinized by all the concerned departments including the Revenue Agency, Forest Department and Gram Panchayat. It has also been held that respondent has raised construction on the suit land and has spent huge amount of money towards improvement, etc. In order to obviate any hardship, directions were passed by the ld. District Judge that to balance the equities and keeping in view the interest of justice it would be only in the fitness of things and circumstances that the State consider the regularization of the grant, accept the adequate compensation for the same, or exchange the same with the land owned by the respondent (Kashmir Singh).

I have perused the file and the observations made by the learned District Judge are in paras 12, 13 and 14 of the impugned judgement.

Keeping in view the peculiar facts and circumstances of the case, I am of the considered view that it would be in the interest of justice that the State favourably considers the directions given by the District Judge. In case the respondent is still aggrieved of the same, it shall be open for him to exhaust his remedies in accordance with law.

Appeal is accordingly disposed of.

November 1, 2007 **(Sanjay Karol),J.**
(TM**)**